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OBSERVATIONS

ON A

B I L L,

RELATING TO

W O O L, &c.

June 4, 1895, 3rd edition of book



bill read 26th June
30 June 1895

Great Britain. George III., King

X OBSERVATIONS

ON A

B I L L,

F O R

EXPLAINING, AMENDING,

A N D

REDUCING INTO ONE ACT,

T H E S E V E R A L

L A W S N O W I N B E I N G,

F O R P R E V E N T I N G T H E

E X P O R T A T I O N O F L I V E S H E E P, W O O L,

A N D O T H E R

C O M M O D I T I E S.

W. Musgrave.



P R E F A C E.

THAT the framers of the bill, which is the subject of this Essay, had other views than the prevention of smuggling, and that their real intention was to prevent the flourishing and increasing manufactures of Yorkshire and Lancashire, from procuring the wool of counties distant from them, with the same facility as they do at present; and by that means to check the rivalship, which the superior industry of those counties has rendered so formidable to the southern manufacturers, are circumstances which well informed people in Yorkshire discovered at the first reading of it:—but that their zeal for this their favourite object should have betrayed them into rendering a bill, which claims the sanction of the legislature, under the sole pretence of preventing the exportation of wool, a real and effectual encouragement to that pernicious practice, is what no one can be expected to believe, till convinced by the perusal of it.

That it really is so, may easily be seen by comparing this little tract with the printed bill it is designed to explain, and the established laws that bill is intended to repeal. A most palpable instance thereof is here anticipated, as an inducement to those who cast their eyes upon this preface, to give themselves the trouble of reading over the short tract which follows it.

The grower of wool is admitted on all hands to be incapable of exporting it, without the assistance of a buyer, who can collect together a cargo sufficient for the employment of a vessel, and by his correspondence and connexions abroad, know the place and people where he can consign his cargo to advantage. He is nevertheless, if he lives within a certain, hitherto undefined distance from the sea loaded with unprecedented and oppressive regulations: he cannot keep his wool at home nor can he send it away without danger of trespassing against the letter of this violent bill; and should he trespass against it, however unavoidably or unintentionally, he is at the mercy of a revenue officer, and in such cases is punishable as an exporter of wool.

The manufacturer, on the other hand, and every man is considered as a manufacturer by this act, who can prevail upon three more
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certify that he is so, is indulged with a liberty of carrying wool even along the sea coast, to what distance he chuses, provided only that he has a spinning house at the end of his journey, that is, a chamber with a few packs, or even tods of wool, and one or two old women spinning yarn for him. And yet more than this, while the oppressed grower is subject to having his wool seized by any man who meets it, this manufacturer's wool, thus moving along the sea side, in however suspicious circumstances it is found, cannot be stopped but by an officer, and then, unless that officer can prove an intention of exporting, it must be released; and after all, however clear the proofs, and flagrant the intention of exporting may be, this favoured manufacturer is to suffer no other penalty than the mere forfeiture of his wool.

It is left then to the reader's judgment to determine, how evident it is, if this bill should, unfortunately for the staple trade of Great-Britain, pass into a law, that every smuggler of wool will become a qualified manufacturer, and carry his wool along the sea shore without danger of molestation, till he has an opportunity of shipping it; a circumstance which the operation of the wholesome laws now in force, but intended to be repealed by this new act, are fully sufficient to prevent.

For

For this, and numerous other instances, sufficient to prove that the men who composed this extraordinary bill, are by no means qualified for the arduous business of legislation, and that the bill itself is sufficiently partial to deserve reprobation, instead of support, from an enlightened parliament ; the reader is referred to the pamphlet itself, and if the perusal of it induces him to examine the bill with attention, and weigh its contents with impartiality, the writer will think his labour amply rewarded, whether he agrees with him in opinion or not.

London, January 12, 1787.

OBSER

O B S E R V A T I O N S

O N A

B I L L,

For amending and reducing into one Act, the Laws
relating to Wool.

THE purport of the following observations is to shew, that the framers of this voluminous bill are evidently defective in ability, in adopting nugatory, though vexatious, regulations:—defective in that legal knowledge and accuracy, which it is shameful in the authors of a new code to be without; as is evinced in their blunders:—and grossly partial to men of their own description, as appears in their unfair attempts to oppress the growers of wool, and their insidious design to abolish that useful order of traders, the dealers in wool. Under these heads, let the facts speak for themselves.

If it should be again urged (as it has been) that some of the grievances complained of in the new bill, are already the law of the land, in the acts from whence they were taken, the answer is ready and obvious. It is not affirmed that the present laws are perfect or impartial. If they had been so, the labours of these revisers might have been still better spared than even at present. But those Gentlemen, who profess to mend them, are accountable for every grievance they take from such laws to insert in their own composition: and they would not have

have taken them, if they had been as solicitous to have rendered the law simple and efficacious, as they have been to add to the number and intricacy of the regulations.

S E C T. I.

Instances of evident Want of Ability, in adopting nugatory, though vexatious Regulations.

1. Instead of simplifying the law, that it might be more easily carried into execution, they have increased the number and extent of regulations; and contrary to the established maxim, that *laws without great penalty are more often obeyed* (1 Mar. st. 1. c. 1.) they have increased the number of felonies by reviving the old act of Charles II. which after due trial was on the highest authority (7 & 8 W. 3. c. 28.) declared too severe to be effectually put in execution.

2. A dealer in wool is compelled to enter into bond, not to dispose of wool, &c. illegally; but the regulation is rendered of no effect, by allowing his agent to buy without bond first entered into.

3. Wool may not be removed without sufferance; but a dealer may carry wool to any distance along the coast without sufferance, provided he has a warehouse at each end of his journey.

4. A manufacturer need not give bond, but may buy wool in any part of the kingdom, if he will but give his word (declaration) that he does not intend to export it!

5. A manufacturer residing without the limits, need not give his word as aforesaid, but may buy wool in any part of the kingdom, if he can prevail on three neighbouring manufacturers to sign a testimonial that he is a manufacturer.

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6. This last manufacturer may employ an agent, who is no more bound than himself.

7. If a woolstapler be a manufacturer, will not every dealer sort part of his wool, and becoming a manufacturer, avoid the bond and periodical account he is to give? If, on the contrary, a woolstapler be not a manufacturer, it will be incumbent on every one in that line, to consider how bonds, periodical accounts, and occasional visitation and weighing of all his stock, sorting, as well as sorted and unsorted, will affect his business.

After reflecting on the preceding observations, and the additional circumstance, that among the manufacturers, staplers, dealers and growers of wool, there are many instances of permission, to all but the grower, to remove wool without sufferance; it may fairly be asserted, that the proposed regulations of sufferance, bond, and periodical account of stock, though highly oppressive and vexatious, are nugatory, and totally inadequate to the purpose of preventing the exportation of wool.

SECT.

S E C T. II.

Instances of evident Want of legal Knowledge
and Accuracy.

1. Instead of *live sheep, wool, woollens, mortlings, shortlings, yarn, or worsted made of wool, woolstocks, cruels, coverlids, waddings, or other manufactures, or pretended manufactures made of wool slightly wrought up, or otherwise put together, so as the same may be reduced to, and made use of, as wool again, or mattresses, or beds stuffed with combed wool, or wool fit for combing or carding, or any fullers-earth, fulling-clay, or tobacco-pipe-clay,* they use the vague, and frequently ambiguous expression *sheep, wool, or other the articles before enumerated.*

2. In reviving the old law of Charles 2. making the exportation of wool felony, they have taken the clause relating to aiders and abettors, and have left out the exporter * himself, or principal, who is nowhere mentioned, except on page 20, where being discovered by his agent, he is condemned to pay a simple penalty.

3. They have deemed the grower an exporter, if he does not return sufferance; while, as a security to him, they have laid an inconsiderable penalty only on the dealer †, if he does not return the sufferance to the

* By the marginal abstract of Mr. Drew (Secretary to the meeting who brought forward the bill) annexed to a copy now lying before the writer of these observations, it appears that the clause 3. of 13 & 14 Car. 2. c. 18. was thought sufficiently comprehensive to include the principal; and that the framers of this new act either overlooked clause 2. or supposed it unnecessary. It was therefore their intention that the exporters of wool, or persons deemed to be such, should be transported.

† Twenty pounds according to Mr. Anstie's letter in the Morning Chronicle of Dec. 13. 1786.

grower. And they have even indulged the dealer with a method of avoiding payment of that very penalty.

4. They have allowed the manufacturer to carry unwrought wool to his dyers without sufferance; but forbid him, to make use of this privilege.

5. They order the fell-mongers stock to be weighed, but set no penalty on deficiency.

6. A more intimate acquaintance with the wool laws would have shewn them that our forefathers, whose works they are correcting, would not, in framing a clause about cocquets and certificates, have forgotten that *the quantities and qualities, marks and numbers, expressed therein, shall not be obliterated or interlined upon any pretence whatsoever.*

7. The business of insurance is transposed much for the worse, from the act of Geo. 2. By unskilful alteration, they have forbidden *woollen manufactures* from being insured under general policies, and the strongest and best part of the clause 33. of 12 Geo. 2. c. 21. is entirely left out.

8. The clause against bribing officers is altered from the said act in two places, and is by that means converted into nonsense. As it now stands, it is illegal to promise, or give any recompence or reward to an officer, for any service, however allowable or lawful.

9. The prohibition of carrying wool by night, is subject to a proviso in favour of manufacturers; but it is not said which of the many provisos of that description is meant; neither is there any proviso directed to this object.

10. By an alteration of a clause in 12 Cha. 2. c. 32. they have forbidden aliens' ships from taking wether sheep on board for necessary provision.

It is an obvious deduction from the foregoing facts, that men who could so blunder, are neither proper judges of the defects of old laws, nor capable of framing new ones.

S E C T. III.

Instances of gross partiality in favour of Men of their own description, namely Manufacturers, of unfair attempts to oppress the Growers of wool, and of an insidious design to suppress that useful Body of Traders the Dealers in wool.

THE GROWER, OWNER, OR SELLER OF WOOL,

Is a principal object of the severity of the reformers of the wool laws. A few instances will shew the disposition to oppress this respectable class of men, which every where pervades the new act :

1. They are obliged to register the number of the fleeces and weight of their locks at their own expence, under pain of if they omit to do so, within a limited time. As no penalty is laid on any deficiency which may hereafter appear in the number of the fleeces or locks so registered, this regulation is clearly intended to oblige the grower to keep at his expence a register to inform the buyer of the quantity of wool grown ; and enable him, by that knowledge, to regulate the price. That this bill was originally designed to be extended over the whole kingdom, is evinced by the resolution of the merchants and manufacturers with whom it originated, held at Exeter, March 1st, 1786, which b

gin thus*: "Resolved, That every grower of wool in this kingdom should register, on oath, the number of fleeces he has shorn, &c."; There cannot, therefore, be a doubt, that if the manufacturers are able, on this occasion, to subdue those who live within 15 miles of the sea coast, they will shortly apply to parliament, to have it extended over the whole kingdom, according to their original plan.

2. The grower may not have a sufferance to remove wool, without some *days* previous notice; whereas a dealer may have a sufferance within a few *hours*; a stapler may, in many cases, remove wool without sufferance, and the manufacturer is still more indulged.

3. Having obtained a sufferance, the grower is obliged to remove his wool within the time limited therein, or to make affidavit of his reasons for not doing so; a severity, of which no instance is to be found even in the excise laws.

4. If the sufferance is not returned by the grower, he shall be punished as an exporter of wool; but if the dealer retains it from the grower, he pays only a small penalty, and is even allowed the means to avoid paying that.

5. If any accident prevents his delivering the wool within the time limited by the sufferance, it may often be impossible for him to have another, and he must consequently lose his wool by seizure. For it is required that he shall go to a justice, and make his affidavit of the accident; and then apply to the officer before the sufferance is expired. Out of a great number, the following very probable case may be put: A cart load of wool is sent with a sufferance, and breaks down in a remote place by the way; the driver leaves the wool and cart, and horses, alone in the midst of the road, and hastens home with the sufferance: his master, if

* Vide page 12. of this tract.

from home, is to be sought after (for the carter is not necessarily acquainted with the regulations, nor perhaps possessed of a shilling to pay for the affidavit, and new sufferance): if the master be near at hand, he hastens to the justice: Suppose him to live not many miles from the farmer's house, and likewise to be at home. The affidavit may be procured, after which, the officer is next to be applied to;—if among the various events here sketched out, *every one* happens to be in his favour, he perhaps may be in time to get a new sufferance; but if *one* be against him, the wool becomes the property of the fortunate man who happens to find and seize it.

6. The grower is answerable for the honesty of the wool-buyer's agent, instead of the person who employs him, and he cannot oblige the principal to pay, unless he can prove that the wool bought by the agent was duly forwarded and delivered to such principal. Let us here put another not improbable case: Two dishonest manufacturers, out of the limits, procure testimonials from their neighbours in the same line—on condition, perhaps, obliging them in the like manner. They may then without bond or other restriction, appoint agents to buy wool. Suppose the agents, sent with instructions how to defraud the wool-growers, and that each agent buys an hundred packs of wool in the name of his master but instead of sending them to him, he sends them to his master's friend, and confederate manufacturer. In this manœuvre, each manufacturer will have an hundred packs of wool, and the grower's remedy will be against the agents, who being men of no property, abate with the share of the booty allotted to them.

7. If an exporter of wool be discovered, he pays a penalty, but the owner or grower who sold him the wool, being an object of much greater enmity with the new law-makers, is not only to pay the same penalty but to be imprisoned for some years.

8. The wool-grower, on the oath of a single witness, may be fined for whatever additions may be put into his fleeces by the winder, or perhaps by the very man who fues.

THE WOOL-DEALER.

1. Every wool-dealer must enter into bond with two sureties, before he can buy wool within the limits; and every wool-dealer in Great Britain, *whether within the limits or not*, must give an account of his business to the revenue officers, and is subject to their visitations and weighing of his stock.*

The insidious manner of bringing forward the regulation to oblige every wool-dealer in the kingdom to give an account of his business, and to subject him to the visitation of revenue officers and weighing of his stock, is truly worthy of remark. In the new clause, beginning p. 15. it is to be enacted, that every dealer *within* *miles of the sea*, shall give an account of the wool in his hands; but when the important and alarming part of the clause, viz. the regulation of periodical accounts, visitations, and weighing, comes forward, the limit or distance from the sea is left out; doubtless, with the hope that the omission might pass unobserved, and that the reader might be led to imagine that the first mention of the limit would extend to the whole clause.

* Compare this with the Exeter resolution on page 12.

THE WOOLSTAPLER

May protect his own wool by his own note, instead of a sufferance.

THE MANUFACTURER

1. Is the idol of this bill, to whom the grower and dealer are to be sacrificed. In proportion as the weight of restrictions is laid on the latter, so are the immunities and privileges granted to the former.

2. In many instances he may move wool without sufferance.

3. If he is caught in the fact of carrying wool towards the sea, *no one* can seize it but a revenue officer, and if it is proved to have been illegally carrying, he forfeits the wool, and is no otherwise punished; whereas *any one* may seize the grower's wool, merely because an accident prevented his sending it off in time; and even if he has the misfortune to lose his sufferance, and cannot satisfy his judge (the officer) he will be deemed an exporter of wool,

4. The manufacturer's word is taken in cases where the dealer must give his bond, with two sureties; and if he reside without the limits, he need not even put his word that he will not export.

5. He is not bound to pay for what wool his agent buys, unless his agent sends it to him, and the grower can prove he received it.

6. He is not subjected to the clause against carrying wool by night, to the same extent that every other in the kingdom is.

END OF THE OBSERVATIONS.

REFERENCES.

In these Observations.					In the new Bill.	
Page	2	No. 2 refers to			Page	11 and 12
		3	-	-	-	10
		4	-	-	-	13
3		5 and 6	-	-	-	14
4		2	-	-	-	4
		3	-	-	-	9 and 23
5		4	-	-	-	11 and 19
		5	-	-	-	18
		6	-	-	-	26
		7	-	-	-	30
		8	-	-	-	39
		9	-	-	-	19
6		10	-	-	-	7
		1	-	-	-	7
7		2	-	-	-	8 and 10
		3 4 and 5	-	-	-	8 and 9
8		6	-	-	-	12
		7	-	-	-	20
		8	-	-	-	45
9		1	-	-	-	15 and 16
		Woolstapler	-	-	-	10
10		2	-	-	-	10 16 19
		3	-	-	-	19
		4	-	-	-	13 14 11
		5	-	-	-	12
		6	-	-	-	19

AS a proof that the system of oppression intended by the framers of this bill, is far more extensive than that which they have hitherto ventured to bring forward; and

and as a warning to the wool growers of the inland countries, (who, unless a spirited opposition is made, will assuredly find themselves included, as well as those of the maritime ones, not only in the proposed restrictions, but also in as many others, as a committee of the House of Commons, who may consist principally of the representatives of the manufacturing interest, may be induced to adopt) it has been thought proper to reprint the first resolution of the merchants and manufacturers, who met at Exeter the 1st of March, 1786, on the commencement of this business.

I. RESOLVED, That every grower of wool in this kingdom should register on oath, within ten days after the shearing, the number of fleeces he has shorn, and where lodged; no part of which to be removed without giving notice in writing, to the office where it shall have been registered, signed by himself, specifying the number of the fleeces, and the place to which it is intended to be removed, whereon a certificate shall be granted, containing the name of the real purchaser, signed by himself, who, in the counties of Kent and Suffex, should be a person qualified according to law; and in other counties, a person who shall make an affidavit, as hereafter mentioned; and if the grower remove the said wool without an actual sale, he should, as often as it be removed, give the notice as aforesaid; in case of sale before removal, the purchaser should also sign the notice, and within one month after the date of the certificate, return should be made of the said certificate to the office from whence it issued. The purchaser affirming, under his signature, that he has received the said wool, with the number of fleeces, under penalty of pounds.

Every grower of wool, merchant or dealer in wool, of whatever description, or manufacturer, should *once* in every year make oath, before he either sells or buys, that he will not export, or cause to be exported, any British wool, or sell or dispose of it to any person whom he has reason to believe or suspect has any intention to export it illegally, under penalty of The above register of all the wool sold, and to whom, as well as of the wool unsold

unfolds, with the names of the growers, should be published *once* in every year, for the use and information of the public, together with the names of offenders convicted, by law, of illicit conveyance or exportation; and for defraying the expence of printing and publishing, every grower of wool, merchant, dealer, and manufacturer, should, at the time of making oath, pay one shilling. The said register to be constantly open at the office, for the inspection of the public. The lamb wool, and all wool shorn, not wound into fleece, should be subject to the above regulations, except that the weight only be specified. And with respect to plucked wool, every officer of excise, in his respective district, should give an account in writing to the register office, of the number of pelts from which wool has been plucked, which should likewise be annually published with the above copy of the register.

F I N I S.



